



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Texas Unemployment Compensation Commission  
Brown Building  
Austin, Texas

Attention: Mr. Harry B. Crozier

Gentlemen:

Opinion No. O-3738-A  
Re: Interpretation of our Opinion No. O-3738

We received your letter dated April 13, 1942, which reads as follows:

"We shall appreciate an expression of your opinion as to the correctness of the interpretation (as reflected by the attached copy of a letter to the Regional Office of the Social Security Board), which this Commission has placed upon your Opinion No. O-3738, in regard:  
Benefit Claims -- Attorneys Fees."

We quote from your letter addressed to a representative of the Social Security Board as follows:

"In your letter of April 6, 1942, you discuss an opinion of the Attorney General of Texas dated March 5, 1942. That opinion deals with appellate procedure in benefit cases.

"This Commission was not struck with the existence of any ambiguity in the Attorney General's language. For that reason his opinion is construed to mean: When, by a decision which becomes final, the Commission or the court disqualifies the claimant for all of his benefit periods under subsections (a), (b), or (c) of Section 5 of the Act, such decision disposes of all rights of the claimant to benefits during his benefit year. If, under the same subsections mentioned, he is disqualified for fewer

periods, then, of course, upon the initiation of a new claim series, he is entitled to receive benefit checks unless disqualified at that time."

We held in our Opinion No. O-3738 that a disqualification by the Commission or a Court of an individual to receive benefits during the benefit periods of his benefit year disposed of all right of the individual to receive any benefits during that benefit year. This holding was based upon the assumption that, on the basis of the individual's initial claim for benefits, he was disqualified for all the benefit periods of his benefit year.

Your interpretation of our Opinion No. O-3738, as reflected in your letter addressed to a representative of the Social Security Board, is correct.

Yours very truly

APPROVED APRIL 29, 1942

ATTORNEY GENERAL OF TEXAS

/s/ Grover Sellers

By

FIRST ASSISTANT  
ATTORNEY GENERAL

/s/ Lee Sheptaw  
Assistant

LS:db

APPROVED OPINION COMMITTEE BY BWB CHAIRMAN